UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:15-cr-00050-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	05555
Vs.)	ORDER
DONALD EUGENE ELLIOTT,)	
Defendant.)	

THIS MATTER is before the court on defendant's Request for Review of Magistrate Court's Order (#20). While the detention decision of the magistrate judge will be vacated and remanded for reconsideration in light of recent developments in appellate jurisprudence, as outlined in the government's Response, the Federal Defender is *reminded* that a United States Magistrate Judge does not preside over "magistrate's court" as her motion suggests, but is a judge of the district court who at all times presides in the district court.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Request for Review of Magistrate
Court's Order (#s 20 & 21) are GRANTED, and the determination and Order of detention is
VACATED and REMANDED for further consideration in light of the government's Response.

Signed: August 12, 2015

Max O. Cogburn J.

United States District Judge